

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

JUI LUNG KAO,

Plaintiff,

v.

PNC BANK,

Defendant.

v.

CHENZHANG CHEN,

Third Party Defendant.

Civil Action No.: 1:25-cv-03228-ENV-JRC

ANSWER TO THIRD PARTY COMPLAINT

ANSWER

The above-named Third Party Defendant, Chenzhang Chen (“Chen” or “Third Party Defendant”) by and through their counsel, Alexander Schachtel Esq., hereby says by way of Answer to PNC Bank’s Third Party Complaint, the following:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Denied that ancillary jurisdiction exists over third party Defendant.
6. Admitted.
7. Admitted.
8. Admitted.

9. Admitted to the extent that Chen believed the check to be “lost or destroyed” and requested the issuance of a replacement check, however, Defendant Chen does not recall executing the referenced agreement but leaves the Plaintiff to its proofs.
10. Defendant Chen does not recall executing the referenced agreement but leaves the Plaintiff to its proofs.
11. Admitted.
12. Denied.
13. Denied.
14. Defendant Chen lacks personal knowledge of the facts alleged in this paragraph.
15. Admitted.

COUNT ONE
Confession of Judgment

16. This is not a factual allegation.
17. Defendant Chen denies liability under the indemnification agreement.
18. Denied.
19. Denied.

COUNT TWO
Indemnification

20. This is not a factual allegation.
21. Defendant Chen denies liability under the indemnification agreement.

WHEREFORE, Defendant demands dismissal of all counts set forth in the Third Party Complaint, with prejudice, and with costs, expenses and counsel fees awarded.

SEPARATE DEFENSES
FIRST SEPARATE DEFENSE

The Complaint fails to state a claim and/or cause of action upon which relief can be Granted.

SECOND SEPARATE DEFENSE

Any and all injuries and damages allegedly sustained by Plaintiff were not foreseeable consequence of any acts or omissions of Defendant.

THIRD SEPARATE DEFENSE

Defendant did not breach any contractual duty or statutory duties owed to Plaintiff or undertake any intentional act with the intent to cause harm to Plaintiff.

FOURTH SEPARATE DEFENSE

At all relevant times, Defendant complied with all applicable laws.

FIFTH SEPARATE DEFENSE

No acts or omissions of Defendant were the proximate cause of any damages allegedly sustained by Plaintiff.

SIXTH SEPARATE DEFENSE

To the extent that the cause of action seeks damages for which payment was received or may be received from collateral sources, such damages are barred by the Collateral Source Rule.

SEVENTH SEPARATE DEFENSE

Defendant Chen is not subject to jurisdiction in this forum.

EIGHTH SEPARATE DEFENSE

Plaintiff's claims are subject to setoff and recoupment by the value of monetary damages and other losses sustained by Defendant which arise from Plaintiff's negligence, faulty service, and Plaintiff's own contract violations.

DATED: November 24, 2025

By: /s/ Alexander Schachtel

Alexander Schachtel, Esq.

Law Office of Alexander Schachtel LLC

101 Hudson Street, Ste. 2109

Jersey City, New Jersey 07302

(p) 201-925-0660

(e) xschachtel@gmail.com